

**-IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	CRIMINAL NO. 18-MJ-00553 BPB
vs.	)	
	)	
<b>SEBASTIAN JARVISON,</b>	)	
	)	
Defendant.	)	

**MOTION TO DISMISS CRIMINAL COMPLAINT**

The United States of America, by and through John C. Anderson, United States Attorney, and Niki Tapia-Brito, Assistant United States Attorney, hereby moves the court for an order dismissing criminal complaint 18- MJ-00553 BPB (Doc. 1), and as grounds therefore states:

1. The criminal complaint presently charges defendant with a violation of 18 U.S.C. § 875(c): Interstate Transmission of Threatening Communications. (Doc. 1).
2. On February 26, 2018, the defendant waived a preliminary hearing. (Doc. 9).  
The Court found probable cause.
3. On February 26, 2018, Defendant was released to the La Pasada Halfway House, pursuant to an Order Setting Conditions of Release. (Doc. 10).
4. On February 27, 2018, defendant filed a Waiver of Preliminary Hearing/Grand Jury Presentment and requested a continuance of grand jury presentment for a period not to exceed 105 days from the date of defendant's arrest, on February 22, 2018. (Doc. 11).
5. In the interim, the Federal Bureau of Investigations continued the investigation and provided the United States with additional discovery. The United States will not proceed

with its prosecution and requests that this matter be dismissed without prejudice based upon its review of additional evidence.

6. The United States attempted to contact counsel for the defendant, Samuel Winder, who is presumed to concur with this motion.

WHEREFORE, the United States respectfully requests that the Court enter an order dismissing the criminal complaint without prejudice.

Respectfully submitted,

JOHN C. ANDERSON  
United States Attorney

**Electronically filed on 04/30/2018**

NIKI TAPIA-BRITO  
Assistant United States Attorney  
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I hereby certify that on April 30, 2018  
I filed the foregoing electronically through  
the CM/ECF system, which caused Counsel  
for the Defendant, to be served by Electronic  
means, as more fully reflected on the Notice  
of Electronic Filing.

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/s/  
NIKI TAPIA-BRITO  
Assistant United States Attorney